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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,816	12/02/2003	Peter Krause	22666	4113
535 7590 03/10/2006				
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			EXAMINER BRITTAIN, JAMES R	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/726,816	KRAUSE ET AL.	
	Examiner	Art Unit	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Applicant's election without traverse of Group I in Paper No. 06212005 is acknowledged.

Claims 10-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Election was made without traverse in Paper No. 06212005.

Specification Objections

The specification is objected to because of the following minor informalities: The term "the" (page 4, line 1) is misspelled; it would appear that the reference numeral "4" (page 7, line 8) should be --6--; and the limitation "each other" (claim 8, line 2) is missing letters. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 7-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Beach et al. (US 5117536) in view of Partridge (US 3188706).

Beach et al. (figures 1-17) teaches a strapping connection for a pair of longitudinally extending and transversely overlapping strap ends, the connection comprising a pair of longitudinally extending and interengaging hook formations formed as transversely pushed out regions of the strap ends and permitting limited movement of the strap ends in one longitudinal

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direction, and transversely interengaging lock formations 80, 94 fitting transversely together, prohibiting relative longitudinal movement of the strap ends, and formed in the pair of hook formations. The lock formations 80, 94 are dimples formed between the widely spaced cuts as shown in figures 10-12. The difference is that the lock formations do not fit snugly together and are not conical and complementary. However, Partridge (figures 1-5) teaches a strapping connection for a pair of longitudinally extending and transversely overlapping strap ends, the connection comprising a pair of longitudinally extending and interengaging hook formations formed as transversely pushed out regions of the strap ends and permitting limited longitudinal movement of the strap ends, and transversely interengaging lock formations 21, 22 fitting transversely snugly together, prohibiting relative longitudinal movement of the strap ends. Partridge further details that the locking dimples 21, 22 are deeply nested, the shape is not particularly important (col. 3, lines 25-26), and that they may be disposed in other locations (col. 3, lines 19-46). The dimples are shown in the figures as being conical. As it would be beneficial to improve the locking engagement of the strap ends of the device of Beach et al., it would have been obvious to modify the strap connection of Beach et al. so that the locking dimples are deeply nested and snugly fit together as taught by Partridge who suggests such structure with conical dimples wherein the dimples are deeply nested, the shape is not particularly important and that they may be disposed in other locations so as to prohibit relative longitudinal movement of the strap ends. In regard to claim 9, Partridge suggests having the lock formation dimples 21, 22 projected transversely by a distance equal at least to a thickness of the strap ends, therefore suggesting modification of the structure of Beach et al. so that the dimples projected by a

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distance equal at least to a thickness of the strap ends so as to further prohibit movement of the strap ends.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Beach et al. (US 5117536) in view of Partridge (US 3188706) as applied to claim 1 above, and further in view of Holmes (US 1178398).

Further modification of the strap connection of Beach et al. so that the lock formations pierce completely through one of the strap ends would have been obvious in view of Holmes (figures 1-6) in which a band connection is formed including hook formations 10, 11 in the band ends to resist the tendency of the ends to pull apart and the lock formations 3, 4, 5 pierce completely through the strap ends so as to prohibit longitudinal movement of the strap ends.

Response to Arguments

Applicant's arguments filed December 20, 2005 have been fully considered but they are not persuasive.

Applicant alleges that the dimples of Partridge are not conical. This is not persuasive and the end result shown by Partridge in figures 1, 4 and 5 appears to be indistinguishable from that of applicant's figures 1 and 2. Further, Partridge infers that other shapes for the dimples were considered and that the shape was found to not be particularly important in the function of the locking of the strap (col. 3, lines 25-27). Therefore, the teachings of Beach et al. in combination with Partridge are found as a strong set of prior art to establish that in this field of endeavor it is well known that the shape of the dimples is a variable that can be changed by one of ordinary skill and would have been an obvious modification of the teachings of Beach et al.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

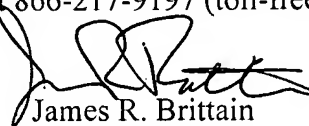
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB